

OCT. 30. 2006 4:03PM

FOLEY 8587926773

NO. 6124 P. 1

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Date : October 30, 2006
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MESSAGE:

Re: U.S. Patent Application Number 09/558,378

Attached Please Find:

- 1) Request for Refund in 2 pages
- 2) Credit Card Verification dated July 6, 2006 in 1 page
- 3) Copy of Decision on Petition dated October 2, 2006 in 2 pages

Adjustment date: 11/17/2006 CKHLOK
07710/2006 SLUANG1 00000013 09558378
02 FC:1253 -1020.00 DP

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Cover Page 1 of 1

DLMR_290750.1

PAGE 1/6 * RCVD AT 10/30/2006 7:09:30 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-2/9 * DNS:2738300 * CSID: * DURATION (mm-ss):01-42

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OCT 30 2006

Atty. Dkt. No. 061602-3175

2006 NOV -1 PH 3: 58

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PEDERSEN ^{IS PATENT & TRADEMARK OFFICE}

Title: RADIO TERMINAL

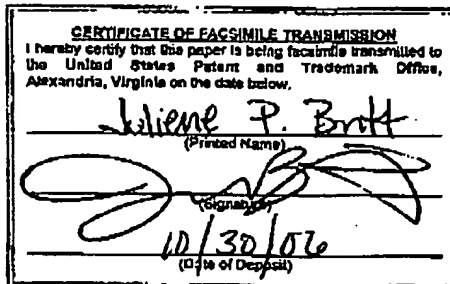
Appl. No.: 09/558,378

Filing Date: 4/26/2000

Examiner: Delgado, Michael A.

Art Unit: 2144

Confirmation 9534
Number:



REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests a refund of \$1,020.00 for the Notice of Appeal extension fee that was charged through credit card authorization in the above-identified application. Attached is a copy of the Credit Card Verification dated July 6, 2006 for Visa Card Number 4715 6340 5237 3671 together with a copy of the authorization form as sent with the July 6, 2006 filing.

A Notice of Appeal \$500.00, Petition to Revive, and a three (3) month extension fee of \$1,020 was paid through a credit card authorization, all filed July 6, 2006. Therefore, Applicant respectfully requests that the extension fee credit of \$1,020.00 be made to Deposit Account No. 50-0872.

In view of the foregoing, it is believed that no fee is required for filing this petition, but should a fee be required, the PTO is authorized to charge an appropriate fee for the filing of this petition to Deposit Account No. 50-0872.

DLMP_289809.1

Day : Monday
Date: 10/30/2006

Time: 20:06:07

PALM INTRANET**Application Number Information**

Application Number: 09/558378

Examiner Number: 79725 / **DELGADO, MICHAEL****Assignments**

Filing or 371(c) Date: 04/26/2000

Group Art Unit: **2144****IFW IMAGE**

Effective Date: 04/26/2000

Class/Subclass:

709/217.000

Waiting for Response

Application Received: 04/26/2000

Lost Case: **NO**

Desc.

Patent Number:

Interference Number:

AP.C

Issue Date: 00/00/0000

Unmatched Petition: **NO****Not of Appeal FI**

Date of Abandonment: 00/00/0000

L&R Code: Secrecy Code:1

Attorney Docket Number: 367.38460X00

Third Level Review: **NO**Secrecy Order: **NO**

Status: 120 /NOTICE OF APPEAL FILED

Status Date: 10/23/2006

Confirmation Number: 9534

Oral Hearing: **NO**Title of Invention: **RADIO TERMINAL**

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Appln
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NO. 6124 P. 3

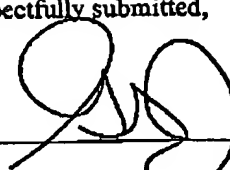
Atty. Dkt. No. 061602-3175

Respectfully submitted,

Date ~~01/28/08~~ 30, 2006

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6735
Facsimile: (858) 792-6773

By



G. Peter Albert, Jr.
Attorney for Applicant
Registration No. 37,268

DLMP_269809.1

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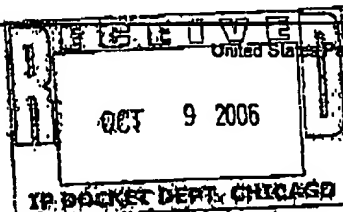
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SUITE 1800
ARLINGTON VA 22209-3873

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OCT 02 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Pedersen et al.
Application No. 09/558,378
Filed: April 26, 2000
Title of Invention: Radio Terminal

APPEAL
10/25/06
RESPONSE DUE 11/2/06

This is a decision on the petition under 37 CFR §1.137(b), filed July 6, 2006.

This above-identified application became abandoned for failure to timely file an appeal brief and submit the accompanying fee. Applicant filed a Notice of Appeal and one month extension of time on August 22, 2005. Pursuant to 37 CFR 41.37(a) applicant was required to file an Appeal brief two months from August 22, 2005. No further extensions of time pursuant to 37 CFR 1.136 were obtained. Accordingly, this application became abandoned on October 23, 2005. A Notice of Abandonment was mailed on January 18, 2006.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby Granted.

The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2)), will be the later of the two-month period set in 37 CFR 41.37(a) or one month from the mail date of the decision on the request for Pre-Appeal Brief Review.

A three (3) month extension of time was requested. However, pursuant to 37 CFR §1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's five (5) month statutory period expired on March 23, 2006. Petitioner is ineligible for any extensions of time. Petitioner may request a refund of the \$1,020.00 by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

The Revocation and Power of Attorney will not be entered because the title of the

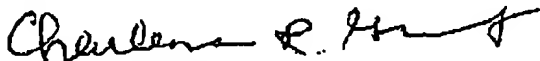
Application No. 09/558,378

Page 2

person signing the 3.73(b) statement has not been provided.

The application will be forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.



Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: G. Peter Albert, Jr.
Foley & Lardner LLP
321 North Clark Street
Suite 2800
Chicago, IL 60610

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

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<u>Fee not necessary.</u>				
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SIGNATURE: <u><i>Karen Creasy</i></u>		PHONE: <u>2-3208</u>		
OFFICE: <u>Petitions</u>				
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